

Bard's Objections and Counter-Designations to AngioDynamics' 9/13/2022 Affirmative Designations for Germano, Powers, and Shepherd

Name of Deponent	Date of Testimony	AngioDynamics' Affirmative Designations	Bard's Objections to Affirmative Designations	Bard's Counter-Designations	Court's Ruling
Germano, Salvatore	January 14, 2020	5:8 -5:9			
Germano, Salvatore	January 14, 2020	8:7 -10:14			
Germano, Salvatore	January 14, 2020	13:4 -14:2			
Germano, Salvatore	January 14, 2020	14:15 -15:25	Designation includes attorney speaking objection (15:5-6)	84:4-7, 84:9-17, 84:19	Sustained: remove 15:5-6
Germano, Salvatore	January 14, 2020	16:2 -16:16	Designation includes attorney speaking objection (16:11)		Sustained: remove 16:11
Germano, Salvatore	January 14, 2020	18:6 -18:24	Designation includes attorney speaking objection (18:11)		Sustained: remove 18:11
Germano, Salvatore	January 14, 2020	23:5 -23:18	Hearsay, speculation		Sustained as to 23:13-18 ("The time it takes...")
Germano, Salvatore	January 14, 2020	29:25 -30:10			
Germano, Salvatore	January 14, 2020	30:22 -31:8	Speculation		Sustained as to 31:5-8
Germano, Salvatore	January 14, 2020	31:9 -31:23			
Germano, Salvatore	January 14, 2020	47:10 -47:15			
Germano, Salvatore	January 14, 2020	52:25 -53:10			
Germano, Salvatore	January 14, 2020	67:4 -67:15			
Germano, Salvatore	January 14, 2020	73:11 -73:21	Hearsay; assumes facts not in evidence; designation includes attorney speaking objection (73:14)		Sustained
Germano, Salvatore	January 14, 2020	74:14 -74:24	Designation includes attorney speaking objection (74:22)		Sustained: remove 74:22
Germano, Salvatore	January 14, 2020	76:8 -77:6			
Germano, Salvatore	January 14, 2020	208:5 -208:8			
Germano, Salvatore	January 14, 2020	218:11 -218:20	Hearsay		Sustained as to 218:15-20
Germano, Salvatore	January 14, 2020	221:23 -222:9			

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Germano, Salvatore	January 14, 2020	227:20 -230:9	Hearsay	226:23-227:4, 230:10-232:24	Sustained as to 228:20-230:9 (hearsay)
Germano, Salvatore	January 14, 2020	253:19 -253:23			
Germano, Salvatore	January 14, 2020	255:16 -255:23			
Germano, Salvatore	January 14, 2020	255:24 -257:25	Hearsay; speculation; assumes facts not in evidence	258:5-260:12, 261:6-263:17, 263:19-264:17	Sustained as to 256:7-13, 256:21-257:25
Germano, Salvatore	January 14, 2020	277:8 -277:19		276:21-277:7, 277:20-278:8	
Germano, Salvatore	January 14, 2020	278:9 -278:20		278:21-279:16	
Powers, Kelly	September 26, 2019	35:1-4	Exhibit more prejudicial than probative (P-051)	35:18-21, 37:3-5	Sustained
Powers, Kelly	September 26, 2019	36:1-23	Exhibit more prejudicial than probative (P-051)	35:18-21, 37:3-5	Sustained
Powers, Kelly	September 26, 2019	123:13-16		305:5-10, 305:12-308:8, 308:10-309:17, 310:5-311:5, 311:6-312:16, 312:17-314:19	
Powers, Kelly	September 26, 2019	124:24-25		305:5-10, 305:12-308:8, 308:10-309:17, 310:5-311:5, 311:6-312:16, 312:17-314:19	
Powers, Kelly	September 26, 2019	125:1 -125:5		305:5-10, 305:12-308:8, 308:10-309:17, 310:5-311:5, 311:6-312:16, 312:17-314:19	
Powers, Kelly	September 26, 2019	126:11-13		305:5-10, 305:12-308:8, 308:10-309:17, 310:5-311:5, 311:6-312:16, 312:17-314:19	
Powers, Kelly	September 26, 2019	129:1-9		305:5-10, 305:12-308:8, 308:10-309:17, 310:5-311:5, 311:6-312:16, 312:17-314:19	
Powers, Kelly	September 26, 2019	135:16-19		135:20-25	
Powers, Kelly	September 26, 2019	139:13-22		311:6-312:16	
Powers, Kelly	September 26, 2019	254:14-23	403 (prejudicial, confusing); foundation	314:20-315:13	Overruled

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Powers, Kelly	September 26, 2019	302:23-303:11	More prejudicial than probative; 401/402 - relevance, violates assurance that designations would be "targeted to elements of AngioDynamics' case" (ECF 356); foundation; misstates testimony; misstates document	303:23-304:5, 309:18-310:4, 311:6-312:16	Sustained (confusing)
Powers, Kelly	September 27, 2019	6:9-11			
Powers, Kelly	September 27, 2019	7:14-25	403 - prejudicial, 401/402 - relevance, violates assurance that designations would be "targeted to elements of AngioDynamics' case" (ECF 356)		Overruled (relevant to impeachment/bias)
Powers, Kelly	September 27, 2019	8:1-7	403 - prejudicial, 401/402 - relevance, violates assurance that designations would be "targeted to elements of AngioDynamics' case" (ECF 356)		Overruled (relevant to impeachment/bias)
Powers, Kelly	September 27, 2019	32:7-34:11			
Powers, Kelly	September 27, 2019	42:15-42:24			
Powers, Kelly	September 27, 2019	43:21-44:15			
Powers, Kelly	September 27, 2019	45:10-14		45:17-46:7, 46:24-47:2	
Powers, Kelly	September 27, 2019	48:17-23	improper hypothetical, speculation, calls for legal conclusion (re: patent infringement)		Overruled
Powers, Kelly	September 27, 2019	49:12-23	improper hypothetical, speculation, calls for legal conclusion (re: patent infringement)		Overruled
Powers, Kelly	September 27, 2019	50:1-11	improper hypothetical, speculation, calls for legal conclusion (re: patent infringement)		Overruled
Powers, Kelly	September 27, 2019	54:6-23	403 (prejudicial, confusing)		Overruled
Powers, Kelly	September 27, 2019	55:4-8	403 (prejudicial, confusing)		Overruled
Powers, Kelly	September 27, 2019	55:16-21	403 (prejudicial, confusing)		Overruled

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Powers, Kelly	September 27, 2019	74:20-77:9	403 - prejudicial, 401/402 - relevance, violates assurance that designations would be "targeted to elements of AngioDynamics' case" (ECF 356) P-060 801/802 - Hearsay (e.g., page 2-3, "she shared a few things with me" and subsequent email)		Overruled
Powers, Kelly	September 27, 2019	87:17-89:6	403 - prejudicial, 401/402 - relevance, violates assurance that designations would be "targeted to elements of AngioDynamics' case" (ECF 356) P-060 801/802 - Hearsay (e.g., page 2-3, "she shared a few things with me" and subsequent email)	89:8-17	Sustained (any minimal probative value substantially outweighed by 403 concerns)
Powers, Kelly	September 27, 2019	89:18-89:23	403 - prejudicial, 401/402 - irrelevant, violates assurance that designations would be "targeted to elements of AngioDynamics' case" (ECF 356) P-060 801/802 - Hearsay (e.g., page 2-3, "she shared a few things with me" and subsequent email)		Sustained
Powers, Kelly	September 27, 2019	114:8-115:10		115:11-16	
Shepherd, Roland	November 23, 2019	6:9 -6:11			
Shepherd, Roland	November 23, 2019	28:9 -29:22	P-295 Relevance	30:9-19	Overruled
Shepherd, Roland	November 23, 2019	33:14 -33:23			
Shepherd, Roland	November 23, 2019	35:7 -35:11	Foundation		Overruled
Shepherd, Roland	November 23, 2019	37:8 -37:10			
Shepherd, Roland	November 23, 2019	37:14 -37:14		37:16-17	
Shepherd, Roland	November 23, 2019	38:9 -38:23			

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Shepherd, Roland	November 23, 2019	39:12 -40:11			
Shepherd, Roland	November 23, 2019	40:12 -40:23	Speculation		Overruled
Shepherd, Roland	November 23, 2019	41:1 -42:6		42:23-43:3	
Shepherd, Roland	November 23, 2019	46:1 -47:15			
Shepherd, Roland	November 23, 2019	63:18 -64:9	Vague, speculation		Overruled
Shepherd, Roland	November 23, 2019	64:12 -64:15			
Shepherd, Roland	November 23, 2019	64:19 -64:20			
Shepherd, Roland	November 23, 2019	64:24 -65:3		65:13-66:13, 66:19-25, 71:2-17	
Shepherd, Roland	November 23, 2019	72:1 -72:13		72:15-21	
Shepherd, Roland	November 23, 2019	72:22 -72:25		73:1-14	
Shepherd, Roland	November 23, 2019	78:2 -78:4	Relevance, foundation	89:14-16, 89:19-25, 90:20-91:2	Overruled
Shepherd, Roland	November 23, 2019	79:2 -79:4	Relevance, foundation	89:14-16, 89:19-25, 90:20-91:2	Overruled
Shepherd, Roland	November 23, 2019	88:14 -88:16	Relevance, foundation		Overruled
Shepherd, Roland	November 23, 2019	99:15 -99:25			
Shepherd, Roland	November 23, 2019	119:2 -119:14		109:10-111:8, 120:15-121:3	
Shepherd, Roland	November 23, 2019	119:15 -119:22			
Shepherd, Roland	November 23, 2019	124:11 -124:16		124:21-125:10	
Shepherd, Roland	November 23, 2019	136:18 -137:3		137:4-10, 137:12-138:20	
Shepherd, Roland	November 23, 2019	140:24 -141:3			
Shepherd, Roland	November 23, 2019	141:8 -141:8			
Shepherd, Roland	November 23, 2019	141:9 -141:9			
Shepherd, Roland	November 23, 2019	141:12 -142:5		142:13-22	
Shepherd, Roland	November 23, 2019	150:12 -150:25			
Shepherd, Roland	November 23, 2019	155:21 -156:4	P-087 403 (prejudicial, confusing)		Overruled
Shepherd, Roland	November 23, 2019	157:15 -158:1	P-087 403 (prejudicial, confusing)		Overruled
Shepherd, Roland	November 23, 2019	158:2 -158:9	P-087 403 (prejudicial, confusing)		Overruled
Shepherd, Roland	November 23, 2019	159:9 -159:25	P-087 403 (prejudicial, confusing)		Overruled
Shepherd, Roland	November 23, 2019	160:6 -160:20	Designation incomplete (answer with no question) P-087 403 (prejudicial, confusing)		Sustained, subject to cure by including question
Shepherd, Roland	November 23, 2019	160:23 -161:4	P-087 403 (prejudicial, confusing)		Overruled

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Shepherd, Roland	November 23, 2019	161:6 -161:23	P-087 403 (prejudicial, confusing)		Overruled
Shepherd, Roland	November 23, 2019	169:22 -170:2		170:3-5	
Shepherd, Roland	November 23, 2019	170:6 -170:12		170:13-16	
Shepherd, Roland	November 23, 2019	172:18 -172:24			
Shepherd, Roland	November 23, 2019	173:16 -173:25			
Shepherd, Roland	November 23, 2019	177:15 -178:7		178:8-179:6	
Shepherd, Roland	November 23, 2019	180:2 -180:6			
Shepherd, Roland	November 23, 2019	180:9 -180:9			
Shepherd, Roland	November 23, 2019	180:11 -180:23			
Shepherd, Roland	November 23, 2019	181:7 -181:12	Speculation, vague		Overruled
Shepherd, Roland	November 23, 2019	181:15 -182:3	Speculation, vague		Overruled
Shepherd, Roland	November 23, 2019	183:4 -184:2		184:4-6	
Shepherd, Roland	November 23, 2019	186:5 -186:15			
Shepherd, Roland	November 23, 2019	186:24 -187:2		187:3, 187:6-8	
Shepherd, Roland	November 23, 2019	188:17 -188:20			
Shepherd, Roland	November 23, 2019	193:4 -194:10	Foundation		Overruled
Shepherd, Roland	November 23, 2019	195:15 -195:24	Foundation		Overruled
Shepherd, Roland	November 23, 2019	196:1 -196:3	Relevance		Overruled
Shepherd, Roland	November 23, 2019	203:19 -203:22			
Shepherd, Roland	November 23, 2019	209:22 -210:4			
Shepherd, Roland	November 23, 2019	210:7 -210:19	Relevance		Sustained as to 210:13-19
Shepherd, Roland	November 23, 2019	211:5 -211:7	P-290 Relevance		Overruled
Shepherd, Roland	November 23, 2019	211:8 -211:8	P-290 Relevance		Overruled
Shepherd, Roland	November 23, 2019	211:14 -211:24	P-290 Relevance		Overruled
Shepherd, Roland	November 23, 2019	212:23 -213:22	P-290 Relevance		Overruled
Shepherd, Roland	November 23, 2019	214:2 -215:8	P-290 Relevance		Overruled
Shepherd, Roland	November 23, 2019	215:23 -216:16	P-290 Relevance	217:1-14	Overruled
Shepherd, Roland	November 23, 2019	217:20 -218:14	P-290 Relevance	218:15-21	Overruled
Shepherd, Roland	November 23, 2019	220:5 -220:8			
Shepherd, Roland	November 23, 2019	222:7 -223:10			
Shepherd, Roland	November 23, 2019	224:1 -228:8		228:11-19	

Dated: September 16, 2022

Brenda K. Sannes
Brenda K. Sannes
Chief U.S. District Judge